

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

James Garner

Case No.

15-195-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 6 through 13, 2015 in the county of Montgomery in the Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

Title 18, U.S.C. 373

Offense Description

Conspiracy to commit armed bank robbery.
See attached arrest warrant and attached affidavit for a description of the essential facts constituting the charged offense.

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.


Complainant's signature

Joshua D. Reed, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/12/2015


Judge's signature

City and state: Philadelphia, PA

U.S. Magistrate Judge Carol Sandra Moore Wells

Printed name and title

A F F I D A V I T

I, Joshua D. Reed, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed for the past 16 (sixteen) years. I am currently assigned to work Counterterrorism matters in the FBI, Philadelphia Division, Fort Washington Resident Agency. In addition to working Counterterrorism matters, I have been assigned to criminal investigative matters and as such have investigated bank robberies, drug trafficking, and firearms violations among other crimes. I have been the affiant on dozens of affidavits, in support of both search and arrest warrants.
2. At all times relevant, the Apex Community Federal Credit Union ("Apex"), located at 540 Old Reading Pike, Stowe, PA, was a financial institution with its deposits federally insured by the National Credit Union Association.
3. On or about Friday, February 6, 2015, the defendant, James Garner, approached a Confidential Human Source ("Source") and asked if the Source would participate in the planning and execution of a bank robbery with Garner and a co-conspirator, whose identity is presently unknown to law enforcement ("Unsub"). Garner directed the Source to drive them both (Garner and Source) to the vicinity of Apex. Garner specifically directed the Source not to enter the Apex property so as to avoid possible video surveillance. Once they arrived in the vicinity of Apex, Garner explained that Apex was an ideal target for robbery because it is located in close proximity to an escape route and ongoing road construction in the area would impede law enforcement from making a rapid response. Garner also explained details of the proposed robbery plot. Garner said that the robbers would avoid capture by wearing masks, and that he (Garner) planned on using a 12-gauge shotgun to carry out the crime.
4. Later on Friday, February 6, 2015, in a telephone call recorded by law enforcement, Garner arranged with the Source that they would meet on either Sunday, February 8 or Monday, February 9 to discuss the robbery plan.
5. On Monday, February 9, 2015, in a telephone call recorded by law enforcement, Garner directed the Source to go to Apex before business hours and conduct a surveillance (casing) for the purposes of determining arrival times and characteristics of employees, including gender and age. Garner explained that he (Garner) planned on conducting a similar casing on the same morning at a different bank located in Norristown, Pennsylvania. Garner characterized the simultaneous casings as "killing two birds with one stone."

6. On Tuesday, February 10, 2015, the Source conducted the surveillance as directed. He reported his findings to Garner in a text message, triggering a series of additional text messages in which Garner ultimately requested to physically meet with the Source. The Source has been directed by the FBI to preserve these messages.
7. Later on Tuesday, February 10, 2015, Garner met with the Source and the Unsub, for the purpose of planning the bank robbery. The meeting was recorded by law enforcement. The Source went to the assigned meeting place and did meet with Garner and the Unsub. The meeting took place in a van driven by Unsub. During the meeting, Unsub drove Garner and the Source to a local 1st Niagara Bank branch to assess it as a future/intended bank robbery target. Garner and Unsub discussed the techniques to be used in robbing a bank. For example, Garner and Unsub discussed the avoidance of "dye packs", and the use of firearms in the commission of the bank robbery. The Unsub stated he would not be using "blanks" in his gun and he would "lay you down" if someone got between him and the money.
8. After the meeting, Unsub left the area in the van, and Garner and the Source left the area in Source's vehicle. Garner and the Source drove back to the vicinity of Apex and again discussed details of the planned bank robbery. During the drive, Garner also discussed the fact that Garner and Unsub had carried out other robberies in the past. Garner stated that the planned bank robbery and two intended future robberies would bring their total (Garner and Unsub) to ten robberies. The conversation was recorded by law enforcement. Additionally, Garner claimed to have robbed a local Dollar General store. His account of which appears to be corroborated by local newspaper reporting. Garner had the Source make a purchase on his behalf at the same store so as to avoid being recognized by employees as the individual who robbed the store previously.
9. On Wednesday, February 11, 2015, during a personal meeting with the Source, Garner stated he intended to conduct additional surveillance in the vicinity of Apex on Thursday, February 12, 2015. Garner further advised that Garner, Unsub and Source would meet on Thursday, subsequent to the aforementioned surveillance, to further discuss the bank robbery plan in anticipation of carrying out the bank robbery on the morning of Friday, February 13, 2015.

10. Based on the above I believe probable cause exists to charge James Garner with conspiracy to commit armed bank robbery, in violation of Title 18, United States Code, Section 371.



Joshua D. Reed
Special Agent
Federal Bureau of Investigation

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 12th DAY OF
FEBRUARY, 2015



HONORABLE CAROL SANDRA MOORE WELLS
United States Magistrate Judge